

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO 8182 OF 2006

Shri Digambar Raghunath Gade & Anr.)..Petitioners

Versus

State of Maharashtra & Ors.)..Respondents

Mr.Hemant Ghadigaonkar h/for M.J.Jamdar for the
petitioners.

Mr.P.P.Kakade AGP for respondents.

**Coram : S.B.Mhase &
R.S.Mohite, JJ**

Date : 27.06.2007.

PC

1. The learned AGP Mr.Kakade has filed an affidavit stating that the amount of the compensation to be paid under Section 17 of the Land Acquisition Act prior to the taking of the possession has already been deposited by the respondent no.4. He further stated that the names of the petitioners are not appearing in the 7/12 extract and the notices were issued to the original owners. He has further pointed out that there is a dispute between the petitioners and the original owners in respect of who should take the amount of the compensation and therefore, reference under Section 13 of the Land Acquisition Act has already been made and is pending before the Pune Court. Under these circumstances,

the grievance of the petitioners that the possession of the land was taken without paying compensation as per section 13 is un-founded one. We therefore, refrain to entertain the petition. The petition is hereby rejected.

(R.S.Mohite, J)

(S.B.Mhase, J)